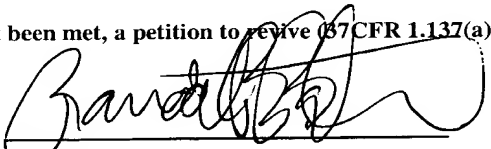


06-20-01

JC03 Rec'd PCT/PTO

19 JUN 2001

FORM PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				88.GLE.PT	
INTERNATIONAL APPLICATION NO. PCT/EP99/06692		INTERNATIONAL FILING DATE 11 September 1999		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/786,835	
TITLE OF INVENTION REGULATORY SEQUENCES FOR ROOT SPECIFIC OR ROOT ABUNDANT GENE EXPRESSION IN PLANT					
APPLICANT(S) FOR DO/EO/US Günter Feix, Doerte Wulff					
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11. to 16. below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Other items or information:             <ul style="list-style-type: none"> <li>- Disc containing Sequence Listing</li> <li>- Statement Under 37 CFR 1.821(f)</li> <li>- Request for Refund</li> <li>- Certificate of Mailing § 1.10</li> <li>- Postcard</li> </ul> </li> </ol>					

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
<p>21. <input type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a)(1) - (5)):</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO . . . . . <b>\$1000.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO. . . . . <b>\$860.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . . <b>\$710.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4). . . . . <b>\$690.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4). . . . . <b>\$100.00</b></p> <p><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p>				<b>CALCULATIONS</b> <span style="float: right;">PTO USE ONLY</span>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	39-20 =	19	X \$18.00	\$342.00	
Independent claims	13-3 =	10	X \$80.00	\$800.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$270.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$2,412.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	\$
<b>SUBTOTAL =</b>				\$1,206.00	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$ 40.00
<b>TOTAL FEES ENCLOSED =</b>				\$1,246.00	
				Amount to be refunded:	\$1,006.00
				charged:	\$2,252.00
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>50-0881</u> in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0881</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Randall B. Bateman MORRIS, BATEMAN, O'BRYANT &amp; COMPAGNI 5882 South 900 East, Suite 300 Salt Lake City, Utah 84121 (801) 685-2302 phone (801) 685-2303 facsimile</p>					
				SIGNATURE	
				NAME	<u>Randall B. Bateman</u>
				REGISTRATION NUMBER	<u>37,774</u>



13 Rec'd PCT/PTO 19 JUN 2001  
09/786835

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:                   Günter Feix et al.

Serial Number:                       09/786,835   (National Stage of PCT/EP99/06692)

Filed:                                 10 September 1999

Group:                               \_\_\_\_\_

Examiner:                           \_\_\_\_\_

For:                                 REGULATORY SEQUENCES FOR ROOT SPECIFIC  
OR REOOT ABUNDANT GENE EXPRESSION IN  
PLANTS

Attorney Docket:                   1588.GLE.PT

Assistant Commissioner for Patents  
Washington, D. C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail addressed to:  
Assistant Commissioner for Patents,

Washington, D.C. 20231 on June 19, 2001.....  
(Date of Deposit)

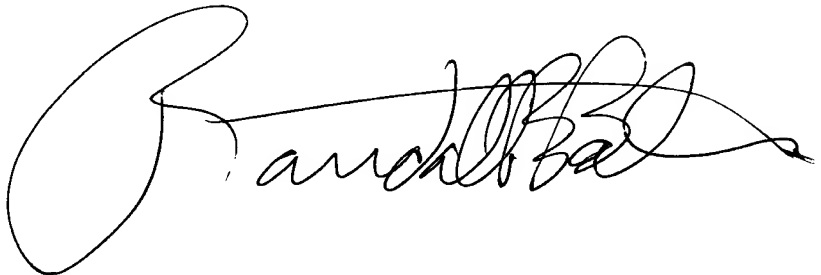
*[Signature]*

**Request for Refund**

In the above-referenced case, Applicant has paid \$2252.00 in fees. As shown in the enclosed transmittal letter, the proper fees for the application is \$1246.00. Therefore, Applicant requests a refund in the amount of \$1006.00.

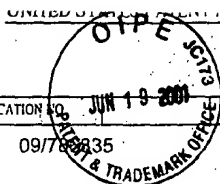
Respectfully submitted this <sup>4th</sup> 1<sup>st</sup> day of June, 2001.

Morriss, Bateman, O'Bryant & Compagni

A large, stylized handwritten signature in black ink, appearing to read "Randall B. Bateman". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Randall B. Bateman

Reg. No. 37,774



Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO. 09/70835	FIRST NAMED APPLICANT FEIX G	ATTY. DOCKET NO. 1588.GLE.PT
INTERNATIONAL APPLICATION NO. PCT/EP99/06692		
I.A. FILING DATE 11 SEP 99	PRIORITY DATE 10 SEP 98	

RANDALL B BATEMAN  
MORRIS BATEMAN O'BRYANT & COMPANY  
5882 SOUTH 900 EAST SUITE 300  
SALT LAKE CITY, UT 84121

**RECEIVED**

APR 23 2001

**INBOC**

DATE MAILED:

20 APR 2001

Missing Parts  
Due 6-20-01

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:   |
| <input type="checkbox"/> Priority Document.  |   |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |   |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- |  |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.   |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- |  |  |
|--|--|
| Enclosed: <input type="checkbox"/> PCT/DO/EO/917 | <input type="checkbox"/> Notice of Defective Translation |
| <input type="checkbox"/> PTO-875                 | <input checked="" type="checkbox"/> PCT/DO/EO/920        |

Winston M Alvarado

Telephone: 703-305-6421

FORM PCT/DO/EO/905 (March 2001)

**ENTERED**



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786835	FEIX	G 1588.GLE.PT
INTERNATIONAL APPLICATION NO.		

RANDALL B BATEMAN  
MORRIS BATEMAN O'BRYANT & CO;MPAGNI  
5882 SOUTH 900 EAST SUITE 300  
SALT LAKE CITY, UT 84121

PCT/EP99/06692

I.A. FILING DATE	PRIORITY DATE
11 SEP 99	10 SEP 98

DATE MAILED:

20 APR 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☐ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Winston M Alvarado

Telephone: 703-305-6421